

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6793 of 2008

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1. Pashupati Singh son of Bijay Narayan Singh, resident of Village – Sejhauri, Police Station – Sikandra, District – Jamui, at present posted as Company Commander at Central Training Institute, Bihar Home Guards, Bihta, District-Patna.
 2. Bramhanand Sharma, son of late Vidyanand Sharma, resident of village – Gehuni, Via – Bachhbara, Police Station – Bhagwanpur, District – Begusarai, at present posted as Company Commander, Bihar Home Guards at Bettiah.
- Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home (Police) Department, Government of Bihar, Patna.
 2. The Commandant General, Bihar Home Guards, Headquarter, Chhajubagh, Patna-1.
 3. The Dy Commandant General, Bihar Home Guards, Headquarter, Chhajubagh, Patna-1.
 4. The Commandant, Bihar Home Guards, Headquarter, Chhajubagh, Patna-1.
 5. The Commandant, Central Training Institute, Bihar Home Guards, Bihta, District – Patna.
 6. The District Commandant, Bihar Home Guards, Begusarai.
 7. The District Commandant, Bihar Home Guards, Bettiah.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. GYANAND ROY
Mr. Sheo Nandan Mishra
For the Respondent/s : Mr. AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-08-2015

Shorn of all other details, submission of counsel for the petitioners is that their case is no different from the case of one Rabindra Nath Tiwary in CWJC No. 13903 of 2003, decided on 30th March, 2005, a copy of which is Anneuxre-11.

Since in the said case, learned Single Judge categorically held that no recovery ought to be made for excess amount paid to the

petitioners and the order for recovery was set aside, they should be treated at par for the same set of reason which was provided for by the learned Single Judge especially when the said order was also affirmed by a Division Bench in LPA No.864 of 2005.

In view of the above, writ application is disposed of with a direction upon the respondents that since recovery has been effected against the petitioners as well, keeping in view the ratio of Rabindra Nath Tiwary's case, the same will be refunded within a reasonable time-frame.

Writ application is disposed of in terms of the above direction.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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